

July 2, 2010

**Via Email & FCM**

Jbashaw@waterboards.ca.gov

State Water Resources Control Board  
Office of Chief Counsel Jeannette L. Bashaw, Legal Analyst  
P.O. Box 100  
Sacramento, CA 95812-0100

**Re: Petition of Goldcoast Properties regarding former Main Street  
Cleaners, 1716 Main Street, Venice, CA 90291  
Sep No. 1038, Cite ID No. 204F300**

Dear Ms. Bashaw:

The following is the Petition of Goldcoast Property with respect to the referenced order. The Petitioner may be reached in care of my office as follows:

1. Law Offices of Gary B. Torpy  
Gary B. Torpy, Esq.  
12400 Wilshire Boulevard, Suite 400  
Los Angeles, CA 90025  
Telephone: (310) 820-0780  
Email address: [gbtapc@aol.com](mailto:gbtapc@aol.com)
2. Following consultation with its environmental consultants Petitioner seeks a minor modification of the order of June 23, 2010 issued by Samuel Unger, Interim Executive Officer, a copy of which is attached hereto and incorporated herein by this reference.
3. The Water Board acted on June 23, 2010.
4. Petitioner objects to certain aspects of the order as set forth in the proposed modifications hereafter set forth.
5. Petitioner is aggrieved in that the proposed Order can be modified in a manner which will improve its effectiveness and potentially reduce additional unnecessary expense allowing for a more cost effective resolution of the issue in question. Petitioner's proposed modifications are hereafter set forth.

6. The Petitioner requests that the order be modified as follows:

a) As regards to the Soil Remedial Action Plan ("RAP") Petitioner will submit such plan to the Board by August 2, 2010 as requested. The RAP will include an estimate of the contaminant mass in shallow soil; proposed soil clean-up goals; and verification soil sampling protocols. The RAP may be modified after submittal based on the results of the soil vapor and ground water characterization work;

b) A plan to delineate the extent of VOC's affecting soil and ground water will be submitted to the Board by September 15, 2010. The plan will include installation of additional soil vapor probes and soil borings. Soil borings will include multi-depth ground water grab sampling. The plan will be a staged approach with on site conditions investigated first. The need if any and objectives of offsite investigation will be first determined by the results of the onsite work and will recognize lack of access to offsite locations and other reasonable limitations;

c) Quarterly groundwater monitoring will be initiated during the third quarter of 2010 and will include the same constituent analysis as previously performed. After one year of quarterly monitoring a proposal will be made to change the monitoring programming to semi-annually based upon the observed periods of maximum and minimum ground water depths. Petitioner requests approval to perform the groundwater monitoring on a no purge basis because of the lack of space to properly store purged ground water on site and removal by an approved waste transporter;

d) A work plan to investigate sub-vapor migration will be submitted to the Board by November 30, 2010. The work will be performed following DTSC guidance documents;

e) All reports will be simultaneously submitted in hard copy to the Board and electronically to Geo Tracker. All reports will include the required perjury statement.

7. Copies of this Petition have been transmitted simultaneously via email to Steve Rowe at the Los Angeles Regional Water Board.

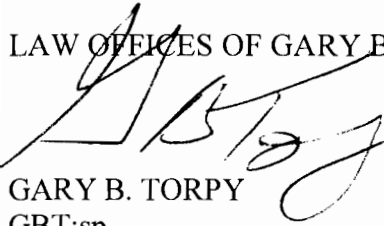
8. The issues raised in the within Petition could not be presented to the Regional Board since Petitioner had no knowledge of the specific directives that would be made by the Board and had only ten days to consult with its environmental consultants and prepare a response thereto.

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Petitioner intends to contact the Regional Water Board to discuss the above modifications and respectfully requests that the Order be stayed until this Petition has been resolved.

Sincerely,

LAW OFFICES OF GARY B. TORPY, A.P.C.

A handwritten signature in black ink, appearing to read 'GBT', is written over the typed name 'GARY B. TORPY'.

GARY B. TORPY

GBT:sp

Enclosure



# California Regional Water Quality Control Board

## Los Angeles Region



Linda S. Adams  
Cal/EPA Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger  
Governor

### REQUIREMENTS TO SUBMIT TECHNICAL WORKPLANS FOR FURTHER SITE INVESTIGATION AND SOIL REMEDIATION (CALIFORNIA WATER CODE SECTION 13267<sup>1</sup> ORDER)

#### DIRECTED TO GOLD COAST PROPERTIES

FORMER MAIN STREET CLEANERS  
1716 MAIN STREET, VENICE, CA, 90291  
SCP NO. 1038, SITE ID NO. 204FV00

**You are legally obligated to respond to this Order. Please read this carefully.**

Pursuant to Section 13267(b) of the California Water Code (CWC), with regard to contaminated soil, soil vapor and groundwater at the subject property (site), you must comply with the following requirements:

#### 1. Soil Remedial Action Plan

By **August, 2, 2010**, you are required to develop and submit a soil remedial action plan (RAP) to mitigate residual volatile organic compounds (VOCs) in fine-grained shallow soil. The RAP shall include but may not be limited to the following: contaminant mass estimation, soil cleanup goals and verification sampling.

#### 2. Soil Vapor & Groundwater Characterization

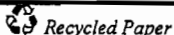
By **September 15, 2010**, you are required to develop and submit a workplan to completely delineate the onsite and offsite extent of VOCs-impacted soil vapor and groundwater. The workplan shall include but may not be limited to the following:

- Installation of additional soil vapor probes and soil vapor sampling as necessary to delineate the soil vapor plume, both onsite and offsite.
- Installation of additional soil borings and multi-depth groundwater grab sampling to determine the lateral and vertical extent of impacted groundwater, both onsite and offsite. These data will be used to determine locations of possible additional groundwater monitoring wells.

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<sup>1</sup> California Water Code section 13267 states, in part: (b)(1) In conducting an investigation. . . , the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

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Installation of the soil vapor probes shall follow the February 7, 2005 "*Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air*" by the Department of Toxic Substances Control (DTSC). Soil vapor samples shall be collected and analyzed based on the January 28, 2003 "*Advisory – Active Soil Gas Investigations*" by the DTSC and Regional Board.

### 3. Groundwater Monitoring

Groundwater monitoring has not been conducted since December 2008. In order to evaluate groundwater quality and facilitate groundwater characterization, you are required to resume quarterly groundwater monitoring for VOCs. Quarterly groundwater monitoring reports must be submitted by the dates shown in the following schedule, with the first report due on **October 15, 2010**.

<u>Monitoring Quarter</u>	<u>Monitoring Period</u>	<u>Report Due Date</u>
First Quarter	January – March	April 15
Second Quarter	April – June	July 15
Third Quarter	July – September	October 15
Fourth Quarter	October – December	January 15

### 4. Vapor Intrusion Evaluation

The vapor intrusion to indoor air pathway and potential risk to commercial workers has not been evaluated. **By November 30, 2010**, you are required to submit a workplan for sub-slab soil vapor sampling beneath the building to evaluate whether there is a threat to site occupants from vapor intrusion to indoor air. The sub-slab soil vapor probe construction shall follow the *Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air*, dated February 7, 2005 prepared by the DTSC.

### 5. Electronic Submittals

As of January 1, 2005, in addition to hard copies, all reports, analytical and spatial data must be uploaded via electronic submittal to the State Water Resources Control Board (SWRCB) Geotracker database by the Regional Board's specified due date(s). Due to technical constraints, you must also submit hard copies of site documents, data and correspondence to the Regional Board by specified due date(s). Information on the electronic submittal regulations and Geotracker contacts can be found at the following internet link:

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal)

Pursuant to Section 13268 (b)(1) of the CWC, failure to submit required technical documents or provide electronic submittal of information may result in the imposition of civil liability penalties by the Regional Board of up to \$1,000 per day for each day the technical documents or electronic submittals are not received after the above due dates have passed and without further warning.

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### **Background and Technical Rationale for Required Work**

The Regional Board requires the above requested technical documents in order to determine the lateral and vertical impacts to soil matrix, soil vapor and groundwater from releases of chlorinated VOCs at the site. You are being required to submit the necessary technical documents based on the following justification:

- Our records indicate that Main Street Cleaners operated a commercial dry cleaning facility at the site from 1982 to 2000. The facility ceased operations in 2000 and all dry cleaning equipment was removed at that time. Since 2000, the site has been used as a small retail office/warehouse.
- The site lies within the Ballona Gap area of the Santa Monica Groundwater Basin. According to the California Department of Water Resources Bulletin 104, the Ballona aquifer beneath the site extends from 11 to 23 feet bgs. The underlying Silverado aquifer is reportedly merged with the Ballona aquifer. First encountered groundwater occurs at 8-9 feet bgs.
- Soil, soil vapor and groundwater have been impacted with halogenated VOCs, including primarily tetrachloroethene (PCE), as well as degradation products including trichloroethene (TCE), *cis*- and *trans*-1,2 dichloroethene (1,2-DCE), 1,1,2,2-tetrachloroethane (1,1,2,2-PCA) and vinyl chloride.
  - The maximum historical PCE in soil and soil vapor was 724,000 micrograms per kilogram ( $\mu\text{g/kg}$ ) and 11,595 micrograms per liter ( $\mu\text{g/L}$ ), respectively, located near the former dry cleaning machine and virgin solvent drums (Figure 1).
  - The maximum historical PCE in groundwater was 1,100  $\mu\text{g/L}$  in MW-1 (Figure 1).
- Soil vapor extraction (SVE) was conducted from September 2003 to February 2004. In March 2004, post-SVE soil vapor sampling indicated that the SVE remediation was largely unsuccessful in reducing VOCs concentrations in vadose soil.
- On February 24, 2010, Regional Board staff and management met with Mr. Neal and his attorney, Mr. Gary Torpy to discuss the site status and requirements. The following items were discussed:
  - The site has not been fully characterized and relatively high concentrations of VOCs in soil and groundwater continue to remain a threat to human health and the environment.
  - Since much of the residual VOCs-mass resides in fine-grained shallow soil, excavation may potentially offer a relatively fast and effective remedial treatment option to reduce the threat to indoor air and groundwater.

We believe that the burdens, including costs, of the required documents bear a reasonable relationship to the need for the documents and the future benefits obtained from the documents. If you disagree and have specific information about the burden, including costs, of complying with our requirements, please provide this information in writing to Mr. Steve Rowe within ten days of the date of this Order so that we may reconsider our requirements.

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Mr. Brad Neal  
Former Main Street Cleaners

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June 23, 2010

All future report submittals pursuant to a CWC Section 13267 Order shall have a perjury statement, which must be signed by you or someone acting on your behalf as a senior authorized representative (and not by a consultant). The perjury statement shall be in the following format:

"I, [Name], do hereby declare, under penalty of perjury under the laws of State of California, that I am the [Job Title] for [Name of Responsible Party/Discharger], that I am authorized to attest that the veracity of the information contained in the reports described herein, and that the information presented in [Name and Date of Report] is true and correct, and that this declaration was executed at [Place], [State], on [Date]."

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or provided on request.

SO ORDERED.

  
Samuel Unger  
Interim Executive Officer

June 23, 2010

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